

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No.: 3:15CR148-TMR
	:	
William Apostelos &	:	
Connie Apostelos	:	
	:	
Defendants.	:	

VERIFIED PETITION CONTESTING FORFEITURE

Pursuant to the Notice dated August 22, 2017 and received by Petitioners' counsel on August 23, 2017, Petitioners Heidi Black, individually and as Successor Trustee of the John Hook Revocable Trust; Lynn Stoddard; Jonda Bauch; and Ron Rittenhouse (collectively "Petitioners"), submit their Verified Petition contesting the forfeiture of the real property known as 496 South Houston Pike, South Vienna, Ohio 45369, at issue in this action. In support of their petition, Petitioners state as follows:

1. Petitioners claim ownership and/or interest in the real property known as 496 South Houston Pike, South Vienna, Ohio 45369 (the "Farm"). The Farm is the subject of the instant forfeiture action brought by the government.

2. Petitioner Heidi Black serves as Successor Trustee of the John Hook Revocable Trust. Which was formed by the father of Petitioners Heidi Black, Lynn Stoddard, and Jonda Bauch.

3. The John Hook Revocable Trust holds the property at issue.

4. Petitioners Heidi Black, Lynn Stoddard, and Jonda Bauch were the beneficiaries of the John Hook Revocable Trust and therefore are equal part owners of the Farm through the trust.

5. Petitioner Heidi Black, in her capacity as Successor Trustee of the John Hook Revocable Trust, entered into a written purchase contract with William Apostelos agreeing to sell the Farm to William Apostelos in exchange for: 1) promissory note(s) totaling \$1,010,000 bearing interest at the rate of 20% per annum, with interest only payable for a period of three years, the principal balance due at the end of the three-year period, and the interest payments being made on a semi-annual basis and paid in equal amounts directly to Heidi Black, Lynn Stoddard, and Jonda Bauch; 3) an agreement to lease and sell back to Heidi Black the house and 20 acres of the Farm; and 4) a promise that the Farm would be held in trust to protect the interests of Heidi Black, individually and as Successor Trustee of the John Hook Revocable Trust, Lynn Stoddard, and Jonda Bauch and that if William Apostelos failed to make any payment on the Farm, William Apostelos would deed the Farm back to Heidi Black, as Successor Trustee of the John Hook Revocable Trust.

6. Petitioner Heidi Black, individually and in her capacity as Successor Trustee of the John Hook Revocable Trust, transferred title to the Farm based upon assurances given to her by William Apostelos and Steve Scudder that the Farm would be held in trust to protect the

interests of Heidi Black, individually and as Successor Trustee of the John Hook Revocable Trust, Lynn Stoddard, and Jonda Bauch.

7. Based on these promises and assurances, Petitioner Heidi Black, in her capacity as Trustee of the John Hook Revocable Trust, transferred title to the Farm to William Apostelos.

8. The John Hook Revocable Trust has not received the agreed upon payment for the Farm.

9. Petitioner Heidi Black, individually and as Trustee of the John Hook Revocable Trust, Lynn Stoddard, and Jonda Bauch have not received the agreed upon payment for the Farm.

10. Petitioner Ron Rittenhouse entered into a Farm Cash Lease with William Apostelos, as Successor Trustee of the WMA Trust Agreement, on July 23, 2013 for the production of crops on the Farm. (Attached hereto as Exhibit A.)

11. This Lease was to commence on March 1, 2016 and continue for three crop years ending on March 1, 2019.

12. Petitioner Ron Rittenhouse currently has crops growing on the Farm.

13. Petitioners believe they are the true and rightful owners and/or have an interest in the seized property identified in Paragraph 1 above (i.e., the Farm) through various legal theories, including but not limited to, breach of contract, unjust enrichment, promissory estoppel, express trust, constructive trust, and fraud.

14. In a Notice mailed to counsel for Petitioners, received on August 23, 2017, the government identified that the verified petition “shall be filed with the United States District Court for the Southern District of Ohio at 702 Federal Building, 200 West Second Street, Dayton, Ohio 45402”, “within thirty (30) days of receipt of this notice.”

15. The Notice further stated that petitioners must also serve a copy of this verified petition “upon the United States to the United States Benjamin C. Glassman, United States Attorney’s Office, 600 Federal Building, 200 West Second Street, Dayton, Ohio 45402.”

16. As this Verified Petition has been filed within 30 days of receipt of the notice, this Verified Petition is timely.

Respectfully submitted,

/s/David C. Barrett, Jr.

DAVID C. BARRETT, JR. (#0017273)

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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served upon the following on September 20, 2017, via U.S. mail and through the Court’s Electronic Filing System:

Benjamin C. Glassman
United States Attorney
Pamela M. Stanek,
Assistant United States Attorney
600 Federal Building
200 West Second Street
Dayton, Ohio 45402

Attorneys for the United States of America

/s/David C. Barrett, Jr.

DAVID C. BARRETT, JR.

Attorney for Petitioners


VERIFICATION

I, Heidi Black, individually and as Successor Trustee of the John Hook Revocable Trust, hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

1. That I have read the foregoing Verified Petition Contesting Forfeiture and know the contents thereof, and that the matters contained in the Verified Petition Contesting Forfeiture are true to my own knowledge.

2. I hereby verify and declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 19th of September 2017, at South Vienna, Ohio.



Heidi Black,
Individually and as Successor Trustee of the John
Hook Revocable Trust

VERIFICATION

I, Lynn Stoddard, hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

3. That I have read the foregoing Verified Petition Contesting Forfeiture and know the contents thereof, and that the matters contained in the Verified Petition Contesting Forfeiture are true to my own knowledge.

4. I hereby verify and declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 20 of September 2017, at Miamisburg Ohio.

Lynn Stoddard
Lynn Stoddard

VERIFICATION

I, Jonda Bauch, hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

1. That I have read the foregoing Verified Petition Contesting Forfeiture and know the contents thereof, and that the matters contained in the Verified Petition Contesting Forfeiture are true to my own knowledge.

2. I hereby verify and declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 19th of September 2017, at Columbus, Ohio.

Jonda Bauch
Jonda Bauch

VERIFICATION

I, Ron Rittenhouse, hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

7. That I have read the foregoing Verified Petition Contesting Forfeiture and know the contents thereof, and that the matters contained in the Verified Petition Contesting Forfeiture are true to my own knowledge.

8. I hereby verify and declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 19 of September 2017, at Springfield, Ohio.

Ron Rittenhouse
Ron Rittenhouse